

It may well be doubted, whether it is within the constitutional competency of either the legislative, or judicial department of our

late husband, or to obtain an order from this court for the share awarded to her and her husband by the order of the 23d of September 1817; but that she conceived herself entitled, in her own right, to the whole share as one of the children of the testator.

13th February, 1818.—KILTY, *Chancellor*.—This petition of Mary Davis has been considered; and the trustee is thereupon authorized and directed to pay the sum allotted to Caleb Davis and Mary his wife to the said Mary Davis, with interest as prescribed in the order of September 23d, 1817.

Roloson and wife by their petition alleged, that their share had been, as they were informed, paid by the trustee to the register, who they prayed, might be ordered to pay it over to them. To which petition was subjoined an order signed by Margaret, directing it to be paid over to Richard her husband.

21st February, 1818.—KILTY, *Chancellor*.—The parties should have known, that the money is deposited in bank and cannot be drawn by the register without the order of the court. If the petitioners elect to take a part of the money, as an equivalent to the use of the whole for life, it must be so stated; and witnessed, as to Margaret Roloson. The present petition and the order of Margaret Roloson are in general terms for the dividend, and would not justify the payment of any part of the money. The allowance will be three-sevenths of the whole sum.

Roloson and wife by their petition stated, that they elected to take a part absolutely instead of the whole for life. To which petition was subjoined a draft by Margaret, in favour of Richard, which was witnessed by T. W. Griffith.

24th February, 1818.—KILTY, *Chancellor*.—On the above application it is ordered, that the said R. and M. Roloson be allowed three-sevenths of the sum allotted to them for life; which, out of \$963 86, amounts to \$412 8½, leaving a fraction of one fourth; and a check will be ordered for that sum; and \$74 93½ to R. Roloson as guardian of the children; making together the sum of \$487 7 paid in by the trustee, and deposited. The further sums to be received applicable to the said allowance may be paid to the said R. Roloson as guardian to the children by the trustee when received or brought into court, with interest according to the order on the auditor's report.

David Wilson and Joseph Read set forth that they were the sureties of Richard Roloson, that he had deceived them; and that they did not consider themselves safe; that they had made application to the Orphans Court to be discharged, and they thereupon prayed that the dividends awarded to the infants might not be paid to Roloson.

7th April, 1818.—KILTY, *Chancellor*.—In consequence of the application of D. Wilson and of J. Read, the trustee is directed to pay any further sum, that may be received, applicable to the allowance to R. Roloson and wife and her children, into court for further order. A copy of this application and order to be sent to the trustee.

Adam Waltemeyer and Rachel his wife by their petition stated, that she was one of the children of Margaret Roloson; and as such was one of those who, under the will of John Wells, was entitled to take after the death of Margaret. Upon which they prayed, that the one-sixth of the proceeds, to which Margaret was entitled for life, might be so invested as that the interest or profits only should be paid to her during her life, securing the whole to the use of her children after her death.

25th July, 1818.—KILTY, *Chancellor*.—On considering the proceedings in this suit,